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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/965,364

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Karen Capers

2001 P 17431 US

6420

7590

02/03/2005

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

NGUYEN, DUSTIN

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,364

Applicant(s)

CAPERS ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 18-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 21 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities: no related cases number for copending cases as disclosed on page 1 of the specification.

Appropriate correction is required.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to generating, processing and displaying of logging data, classified in class 709, subclass 224.
 - II. Claims 18-21, drawn to adjusting diagnostic data, classified in class 702, subclass 182.

The inventions are distinct, each from the other because of the following reasons:

4. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant

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case, the combination as claimed does not require the particulars of the subcombination as claimed because group I draws to the generating and capturing the log data to be displayed. The subcombination has separate utility such as adjusting the level of log data in the diagnostic center.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with the Applicants' attorney (Thomas George (650-694-5191)) on January 19, 2005 a provisional election was made without traverse to prosecute the invention of the elected group, claims 1-17. Affirmation of this election must be made by Applicants in replying to this Office action. Claims 18-21 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4-10, 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burr et al. [US Patent No 6,738,832], in view of Wygodny et al. [US Patent No 6,202,199].

9. As per claim 1, Burr discloses the invention substantially as claimed including in a network, said network comprising multiple components coupled in a distributed manner wherein distributed program execute across said multiple components and data associated with the execution of said distributed programs is generated by said multiple components:

a method for logging distributed program trace data, the steps of said method comprising:
generating data associated with the execution of said distributed programs from each said multiple components [i.e. loggers] [415, Figure 4; and col 5, lines 54-62];

processing said data associated with the execution of said distributed programs from each said multiple programs [i.e. handlers] [414, Figure 4; and col 6, lines 6-25].

Burr does not specifically disclose
displaying said processed data to a user, said data associated with the execution of said distributed programs generated by said multiple components for a user of said network.

Wygodny discloses
displaying said processed data to a user, said data associated with the execution of said distributed programs generated by said multiple components for a user of said network [Figures 3-12; Abstract; and col 3, lines 44-53].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Burr and Wygodny because Wygodny's teaching of displaying processed data would allow to implement an online mode that enables user to interactively trace and analyze the execution [Wygodny, col 3, lines 45-48].

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10. As per claim 2, Burr discloses communicating said processed data to one of a group, said group comprising data services, rolling file systems, and a diagnostic center [col 1, lines 38-46].

11. As per claim 4, Burr does not specifically disclose dynamically configuring said network to selectively provide logging data from a subset of said multiple components. Wygodny discloses dynamically configuring said network to selectively provide logging data from a subset of said multiple components [col 21, lines 46-57]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Burr and Wygodny because Wygodny's teaching would allow to generate trace options, run and trace the client, and display the trace results in near real-time on the display screen during execution [Wygodny, col 3, lines 50-53].

12. As per claim 5, Wygodny discloses configuring said network to selectively set options for persistently storing a subset of said logging data [i.e. save] [col 17, lines 66-col 18, lines 18].

13. As per claim 6, it is rejected for similar reasons as stated above in claims 4 and 5.

14. As per claim 7, Wygodny discloses displaying said processed data on a graphical user interface for one or more users to said network [Figures 3-12].

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15. As per claim 8, Wygodny discloses configuring said network to selectively provide logging data via a graphical user interface [Figures 3-12], said user interface enabled to receive user commands for configuring said network [col 6, lines 7-10].

16. As per claims 9 and 10, they are apparatus claimed of claims 1 and 2, they are rejected for similar reasons as stated above in claims 1 and 2.

17. As per claims 12-16, they are apparatus claimed of claims 4-8, they are rejected for similar reasons as stated above in claims 4-8.

18. As per claim 17, it is rejected for similar reasons as stated above in claim 1.

19. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burr et al. [US Patent No 6,738,832], in view of Wygodny et al. [US Patent No 6,202,199], and further in view of Wookey [US Patent No 6,085,244].

20. As per claim 3, Burr and Wygodny do not specifically disclose communicating said processed data to a diagnostic center, said diagnostic center controlling all logging data across the entire network. Wookey discloses communicating said processed data to a diagnostic center, said diagnostic center controlling all logging data across the entire network [101, Figure 1; Abstract; and col 4, lines 3-17]. It would have been obvious to a person skill in the art at the

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time the invention was made to combine the teaching of Burr, Wygodny and Wookey because Wookey's teaching of diagnostic center would provide a monitoring system that automatically communicates system diagnostic information from a monitored computer system to a remote service center computer system at a programmable periodic interval [Wookey, col 2, lines 35-40].

21. As per claim 11, it is apparatus claimed of claim 3, it is rejected for similar reasons as stated above.

22. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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JOHN FOLLANSBEE
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